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August 24, 2020

Hon. Steven L. Tiscione
U.S. District Court
225 Cadman Plaza East
Brooklyn, NY 11201

RE: SUTTON v ASSOCIATED CREDIT SERVICES, INC.
17-CV-5370

Dear Judge Tiscione:

As you know, this office represents the defendant in the above-captioned matter. This letter is written because the Joint Pre-Trial Order is due to be filed today, but plaintiff's counsel has not prepared his portion of the Joint Pre-Trial Order. Due to the inattention of plaintiff's counsel to this matter, it can't proceed and defendant does not know what action it should be taking with respect to plaintiff's failures to participate in preparing the proposed Pre-Trial Order.

The undersigned is acutely aware of the Court's position that too many extensions have already been granted regarding the preparation of the document. With that awareness in mind, the undersigned made repeated attempts to contact plaintiff's counsel Levi Huebner, and additional counsel Lawrence Katz. After several attempts to contact them last week, Lawrence Katz contacted me on Friday to indicate that Mr. Huebner was ill and to further indicate that he had not prepared the proposed Pre-Trial Order. It is now late Monday morning and plaintiff's counsel has still furnished this office with nothing and has not asked for additional time from the Court.

Plaintiff's counsel Levi Heubner previously indicated to the Court that he was suffering from some physical infirmities that were preventing him from moving forward with the case. It was for that reason that Mr. Katz filed a Notice of Appearance on July 10, 2020. It is now well over one month since Mr. Katz appeared in the case and this office has had no interaction with him except for the one brief conversation on Friday in which he indicated that no document had yet been prepared.



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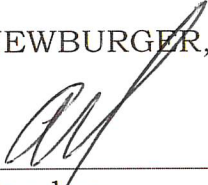
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Defendant is requesting a conference to discuss plaintiff's failure to move forward with this claim and, if necessary, be given leave to file a motion to dismiss for plaintiff's lack of prosecution.

Thank you for your attention to this matter.

Sincerely,

BARRON & NEWBURGER, P.C.



By: Arthur Sanders

as/ctw